

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - * **Petitions if any.**
 - * **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

**Montana Historical Society
Archives**

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2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE STATE ADMINISTRATION COMMITTEE

Date: Monday, March 18, 2013
Place: Capitol

Time: 3:00 PM
Room: 335

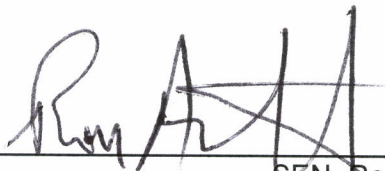
BILLS and RESOLUTIONS HEARD:

HB 120 - Generally revise election laws - Rep. Pat Ingraham
HB 265 - Revise campaign finance laws - Rep. Steve Fitzpatrick
HB 554 - Revise legislator compensation & benefit processing - Rep. Bridget Smith
HB 560 - Revise duties & change name of Legislative Computer Systems Planning Council -
Rep. Gordon Pierson

EXECUTIVE ACTION TAKEN:

HB 38: Be Concurred In
SJ 21: Do Pass As Amended
HJ 7: Tabled
HJ 3: Be Concurred In
HB 283: Be Concurred In
HB 277: Be Concurred In As Amended

Comments:



SEN. Ron Arthun, Chair

MONTANA STATE SENATE
ROLL CALL
STATE ADMINISTRATION
COMMITTEE

DATE: March 18, 2013

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Arthun	✓	
Vice Chair Brown	✓	
Senator Blewett		✓
Senator Jent	✓	
Senator Sales		✓
Senator Van Dyk		✓
Senator Webb	✓	

7 Committee Members



SENATE STANDING COMMITTEE REPORT

March 18, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 38** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in black ink, appearing to read "Ron Arthur", is written over a horizontal line. Below the line, the text "Senator Ron Arthur, Chair" is printed in a serif font.

Senator Ron Arthur, Chair

To be carried by Senator Jon Sesso

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required ☐



SENATE STANDING COMMITTEE REPORT

March 18, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **Senate Joint Resolution 21** (first reading copy -- white) **do pass as amended.**

Signed: _____

Ron Arthur
Senator Ron Arthur, Chair

And, that such amendments read:

1. Title, line 5.

Following: "COMMEMORATING"

Insert: "THE 163RD INFANTRY REGIMENT AND ITS SUCCESSORS ON"

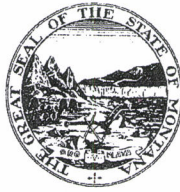
- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required ____

SJ0021001SC.swr



SENATE STANDING COMMITTEE REPORT

March 18, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Joint Resolution 3** (third reading copy -- blue) **be concurred in.**

Signed: _____

Ron Arthur
Senator Ron Arthur, Chair

To be carried by Senator Verdell Jackson

- END -

Committee Vote:

Yes 4, No 3

Fiscal Note Required ☐

HJ0003001SC13826.swr



SENATE STANDING COMMITTEE REPORT

March 18, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 283** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in cursive script, appearing to read "Ron Arthun", is written over a horizontal line.

Senator Ron Arthun, Chair

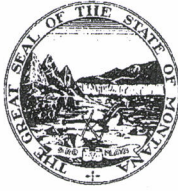
To be carried by Senator Jim Peterson

- END -

Committee Vote:

Yes 6, No 1

Fiscal Note Required ☐



SENATE STANDING COMMITTEE REPORT

March 18, 2013

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 277** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Ron Arthur, Chair

To be carried by Senator Scott Sales

And, that such amendments read:

1. Page 1, line 19.

Strike: "in any 24-year period"

2. Page 1, line 19 through line 20.

Strike: ", whether" on line 19 through "both" on line 20

3. Page 2, line 8.

Strike: "to revising term limits for state legislators."

Insert: "on Constitutional Amendment No. ____"

4. Page 2, line 9.

Strike: "to revising term limits for state legislators."

Insert: "on Constitutional Amendment No. ____"

- END -

Committee Vote:

Yes 6, No 1

Fiscal Note Required ____

BILL TABLED NOTICE

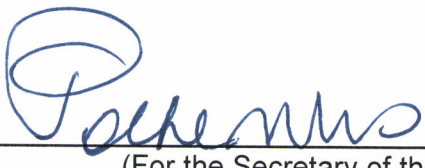
SENATE STATE ADMINISTRATION COMMITTEE

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED

HJ 7 - Joint resolution to initiate legal action for damages to state waters - Rep. Pat Connell

by motion, on **Monday, March 18, 2013** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)

7:05a, 3/19
(Time) (Date)

March 19, 2013 (7:14am)

Nadine Spencer, Secretary

Phone: 444-1619

STANDING COMMITTEE REPORT REQUEST

Committee: Senate State Administration

Date 3/18/2013

The following committee action occurred on the above date:

Bill/Resolution Number	Do Pass	Do Not Pass	Con- cur	Do Not Concur	Committee Vote Yes No	Amend	Amendment File Name	Senator Carrying House Bill
1. <u>HB 38</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7</u> <u>0</u>	<input type="checkbox"/>		<u>Sen. Sesso</u>
2. <u>SJ 21</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>7</u> <u>0</u>	<input checked="" type="checkbox"/>		
3. <u>HJ 3</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>4</u> <u>3</u>	<input type="checkbox"/>		<u>Sen. Jackson</u>
4. <u>HB 283</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6</u> <u>1</u>	<input type="checkbox"/>		<u>Sen. Peterson</u>
5. <u>HB 277</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>6</u> <u>1</u>	<input checked="" type="checkbox"/>		<u>Sen. Salas</u>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>		

Committee Secretary: Nadine Spencer
Legislative Staffer: Sheri Scurr

Phone: 1619
Phone: 3596

Room# 323
Room# 136-C

Amendment Coordinator _____ Date _____ Time _____

14:52
15:00
2:03
4:45

MONTANA STATE SENATE
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 3/18 BILL NO H37 MOTION NO. _____
MOTION: _____

Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN BROWN	✓		
SENATOR BLEWETT		✓	
SENATOR JENT		✓	
SENATOR SALES		✓	
SENATOR VAN DYK		✓	
SENATOR WEBB		✓	
CHAIRMAN ARTHUN	✓		

7 Committee Members

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MONTANA STATE SENATE
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 3-18-2013 BILL NO 453 MOTION NO. _____
 MOTION: _____

Be Concurred In

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN BROWN	✓		
SENATOR BLEWETT		✓	
SENATOR JENT		✓	
SENATOR SALES	✓		
SENATOR VAN DYK		✓	
SENATOR WEBB	✓		
CHAIRMAN ARTHUN	✓		

7 Committee Members

4 3 Jackson

MONTANA STATE SENATE
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 3/18/2013 BILL NO HB 277 MOTION NO. _____
 MOTION: _____

Be Concurred In As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIRMAN BROWN	✓		
SENATOR BLEWETT	✓		
SENATOR JENT		✓	
SENATOR SALES	✓		
SENATOR VAN DYK	✓	<i>Van</i>	✓
SENATOR WEBB	✓		
CHAIRMAN ARTHUN	✓		

7 Committee Members

6 1 sales

SENATE PROXY

I, Senator Kendall Van Dyk, hereby authorize Senator Larry Jent to vote my proxy before the Senate State Administration Committee meeting held on _____, 2013.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE
Visitors Register
SENATE STATE ADMINISTRATION COMMITTEE

Monday, March 18, 2013

HB 120 - Generally revise election laws

Sponsor: **Rep. Pat Ingraham**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE STATE ADMINISTRATION COMMITTEE

Monday, March 18, 2013

HB 265 - Revise campaign finance laws

Sponsor: **Rep. Steve Fitzpatrick**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

SENATE STATE ADMINISTRATION COMMITTEE

Monday, March 18, 2013

HB 560 - Revise duties & change name of Legislative Computer Systems Planning Council

Sponsor: **Rep. Gordon Pierson**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE STATE ADMINISTRATION COMMITTEE

Monday, March 18, 2013

HB 554 - Revise legislator compensation & benefit processing

Sponsor: **Rep. Bridget Smith**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Spencer, Nadine

**ADDITIONAL
DOCUMENTS**

From: Matt Nese <mnese@campaignfreedom.org>
Sent: Monday, March 18, 2013 10:52 AM
To: Spencer, Nadine
Subject: Center for Competitive Politics' Comments on H.B. 265 Contribution Limit Bill
Attachments: 2013-03-18_Senate Comments_MT_HB 265_Contribution Limit Increase.pdf

Hi Nadine,

We just spoke on the phone. My name is Matt Nese, and I'm the Director of External Relations at the Center for Competitive Politics. In this capacity, I'm responsible for our state legislative outreach efforts as well as our research and coalition activities. The Center is a nonpartisan, nonprofit 501(c)(3) organization focused on promoting and protecting the First Amendment's political rights of speech, assembly, and petition. We oppose efforts to limit campaign contributions, institute taxpayer funded political campaign programs, and implement other restrictions on citizens' ability to support the candidates and causes of their choice.

On behalf of the Center, I have written comments regarding H.B. 265, which adjusts existing campaign contribution limits for elective offices in Montana. We desire to submit our comments to all members of the Senate State Administration Committee, who are scheduled to hear H.B. 265 at 3:00 PM this afternoon. If possible, we'd like to make our comments part of the public record.

I've attached to this e-mail a PDF of the Center's comments on this bill. The comments run two pages. Will you let me know when you've received this e-mail and confirmed that the attachment opened properly?

If you have any questions or issues, I can be reached on my direct line at (703) 894-6835 or via e-mail.

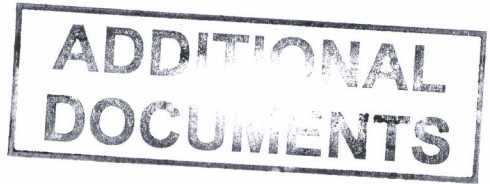
Thanks for all your help! I very much appreciate it.

Best,

Matt Nese

Matt Nese | mnese@campaignfreedom.org

Director of External Relations
Center for Competitive Politics
124 S. West St., Ste. 201
Alexandria, VA 22314
Direct: (703) 894-6835 | Fax: (703) 894-6811
www.campaignfreedom.org



March 18, 2013

The Honorable Ron Arthun
Montana Senate
P.O. Box 200500
Helena, MT 59620-0500

The Honorable Dee Brown
Montana Senate
P.O. Box 200500
Helena, MT 59620-0500

Re: Amendment Suggestion for House Bill 265

Dear Chairman Arthun, Vice Chair Brown, and Members of the Committee:

On behalf of the Center for Competitive Politics, I respectfully submit the following comments on portions of House Bill 265, currently being considered before the Senate State Administration Committee. While the Center applauds the Legislature's efforts to expand political speech, we suggest one change, which would improve the legislation

The Center for Competitive Politics is a nonpartisan, nonprofit 501(c)(3) organization that promotes and protects the First Amendment political rights of speech, assembly, and petition. It was founded in 2005 by Bradley A. Smith, a former Chairman of the Federal Election Commission.

We hope that you find the following suggestion helpful in your deliberation concerning H.B. 265.

I. The contribution limits proposed in the bill should apply to an "election" rather than an "election cycle."

Section 2, subsection 6 of H.B. 265 changes the time measurement for contribution limits from "election" to "election cycle." This is not merely a cosmetic alteration, as this change may have a substantive impact on state elections and the ability of candidates to operate their campaigns. Constructing campaign contribution limitations as applicable to an "election cycle" will limit candidate contributions to the statutory numbers for both the primary and general elections combined. In contrast, the term "election" would allow the contribution limits to apply separately to the primary and general elections.

For example, if an individual can donate \$1,000 to a state senate candidate per *election cycle*, that means that the \$1,000 limit applies to the candidate's entire candidacy, from primary

to general election. Conversely, a \$1,000 limit per *election* means that an individual can contribute \$1,000 for the primary, and \$1,000 for the general election.

The Center suggests that H.B. 265 be amended to replace the term “election” with “election cycle.” The primary and general elections are distinct elections, and should be treated as such. By artificially limiting contribution limits over an entire election cycle, H.B. 265 will likely reduce the competitiveness of elections in Montana. Additionally, the effect of this change may be to favor incumbent politicians, or other candidates who do not have to fight through a costly primary process. By amending the language as suggested, the state will be able to maintain fair and competitive elections without discriminatorily favoring incumbents. This is not only superior as a policy measure, but it also helps Montana avoid any constitutional litigation. The Supreme Court has supported the proposition that prohibitive contribution limits can be unconstitutional if they functionally prevent challengers from mounting a campaign.¹

* * *

Thank you for allowing me to submit comments on House Bill 265. I hope you find this information useful. Should you have any further questions regarding this legislation or any other campaign finance proposals, please do not hesitate to contact me at (703) 894-6835 or by e-mail at mnese@campaignfreedom.org.

Respectfully yours,



Matt Nese
Director of External Relations
Center for Competitive Politics

¹ See *Randall v. Sorrell*, 548 U.S. 230 (2006).

John Koch
Department of Public Health & Human Services
Office of Legal affairs
P.O. 4210
Helena MT 59604
(406) 444-4095
jkoch@mt.gov

**ADDITIONAL
DOCUMENTS**

HOUSE BILL 158 TESTIMONY

Senate State administration Committee

March 13, 2012.

- A. **CURRENT PRACTICE.** DPHHS already communicates with the Interim Administrative Rules Review Committee and their staff attorney regarding notifications and transfer of documents.
1. DPHHS sends a copy of the Rule Notice for each rule for the Interim Committee when the Notice is filed with the Secretary of State.
 2. The staff attorney for the Interim Committee analyzes each Rule Notice and writes a Review of the rule and sends it to the Interim Committee members before their quarterly meeting.
 - a. The Interim Committee staff attorney points out legal concerns in the Review submitted to Interim Committee members.

- b. The Interim Committee staff attorney contacts the rule reviewer with questions.
3. The Interim Committee members are able to contact DPHHS to convey any questions regarding a proposed rule, and may
- Attend the public hearing;
 - Provide written or oral comment regarding the rule; and
 - Speak to DPHHS staff after the hearing on the rule.

3. DPHHS notifies the primary bill sponsor when it begins work on the substantive content and wording of a proposal notice for a rule that initially implements legislation, as required by MCA § 2-4-302(2)(d). DPHHS works with the sponsor to obtain the legislator's comments; inform the legislator of the known dates by which each step of the rulemaking process must be completed; and provide the legislator with information about the time periods during which the legislator may comment on the proposed rules, including the opportunity to provide comment to the administrative rule review committee. DPHHS also sends a copy of the published notice to the primary sponsor within 3 days of publication.

4. DPHHS sometimes hears from the Interim Committee, but this is not common, indicating that the present method of communicating with the Interim Committee is satisfactory.
5. The added requirement in HB 158 of personally presenting the rule to the interim committee is unneeded given:
 - the challenges already present in filing and adopting a rule in a timely manner; and
 - the means already available under statute, and carried out in practice, for communicating with the Interim Committee regarding proposed rulemaking.

B. **DELAY.** HB 158 does not establish a time frame for in-person presentations to the Interim Administrative Rules Review Committee. DPHHS assumes those presentations will take place at the Interim Committee's regularly-scheduled quarterly meetings.

1. Requiring in-person presentations for all proposed rule changes will delay adoption of rules, including those previously approved before or between current administrative rule review committee meetings.

2. Interim Committees cease meeting before legislative elections, do not operate during legislative sessions, and don't resume meeting until after legislative adjournment.
 - a. This leaves approximately half a year during each biennium when in-person presentation under HB 158 would be impossible, and rulemaking would be delayed.
 - c. Delay in rules adoption resulting from HB 158 could mean the loss of federal funding and certification of programs, which could adversely affect the provision of services to Montanans those programs are designed to serve.
 - c. Federal and state regulatory or statutorily-required program changes drive many rule changes, and delays in adoption of rules could hurt the ability of the state to meet those required dates, resulting in loss of federal funding or program certification.
3. During the past 3 years, DPHHS has proposed and adopted the following number of rules:

2010: **33 notices**, or 66 including adoption notices;

2011: **38 notices**, or 76 including adoption notices;

2012: **51 notices**, or 102 including adoption notices.

- a. Anticipating 2 Interim Committee meetings in legislative years, and 4 quarterly meetings in the years preceding legislative years, the mere scope of DPHHS rules the Department would have to present in person and the Interim Committee would not only delay rulemaking, but would also consume significant Interim Committee time.
- b. The delay and effort are magnified when considering the scope of rules proposed and presented by other departments.